REMARKS/ARGUMENTS

Claims 1-18 and 21-22 are active.

Claim 21 is amended to further define the transparent substrate as curved or partially curved.

The rejections primarily based on the Giron publication in view of Barth remain at issue in this case.

As explained in Applicants prior reply, as apparent from the claims, the claims of this application are directed to glazings (e.g., made of glass) that incorporate a polymer film that functions to contain fragments if broken (see the Background portion of the application at pages 1-2). In addition, functional or active system layers were known to be provided in glazing arrangements. In particular, it is true that the Giron publication (note that the U.S. PGPUB cited is now U.S. patent no. 7,230,748) describes such electrochromic active systems in glazing arrangements with polymer protective layers. Applicants recognize the citations in paragraphs [0022], [0024], [0025], [0079], and [0080] of the prior Giron application are relevant to the claims here, Giron does not actually describe what is claimed (in the original claims examined nor that which is presented here).

That is, contrary to the conclusion in the rejection the Giron application does not describe the arrangement that is defined in the claims, i.e., the active system on to the inner face (2) of substrate (S1) and then with the protective polymer layer (f1).

Applicants continue to disagree with the Examiner's point that it would have been obvious to flip the orientation of Giron's arrangement to arrive at the arrangement of the present claims. Applicants believe that the cited Giron publication disclosure, noting that the publication is by the same Giron in the present application, teaches a quite definitive

arrangement as reflected by the placement of various panes of glass, active stack and film in relation to each other. Giron, e.g., in paragraph [0080], uses the conventional terminology, upper, lower, above, below as is understood in the relevant field relative to the orientation of the sun-the upper layer being closest or positioned towards the sun, with the lower layer positioned away from the sun and towards the inside of where it is installed. Indeed this is described as such in the specification, paragraph bridging pages 4-5 and the paragraph bridging pages 5-6. Therefore, the orientation would not be flipped because the cited Giron publication states a particular orientation, where the active stack is attached to the inner face of the lower glass pane (termed glass pane 1 in Giron).

Indeed, contrary to the Examiner's conclusions, starting from Giron, the person skilled in the art would rather have put the active system on face 3 for several reasons:

1. If the active system is on face 3, it is possible to provide outside substrate S1 with protective layers on the inside (on face 2). Such layers are for example provided for filtering UV light and thus protecting the active system which is on face 3.
2. Positioning the active system on face 3 thus makes it possible to protect the active system "upstream" of the active system.
3. Positioning on face 3, also makes it possible to combine substrate S2 provided with active system to different standard kinds of substrate S1: the active system being on face 3, it will be possible, during the fabrication process, to combine substrate S2 with the active system deposited thereon with a thicker or thinner outside substrate when required.

As a consequence, should the person skilled in the art not have realized that placing the substrate on face 3 has the disadvantages explained in the specification concerning delamination, he/she would not have placed it on face 2 but on face 3. It had not been realized at the time that placing the active system on face 2 would allow bending of the glazing,

contrary to placing it on face 3. If placed on face 3, it has been realized that bending of the substrate would generate delamination (see page 6 of the description).

Applicants particularly emphasize the lack of motivation to simply flip the orientation that Giron mandates with respect to the curved or partially curved substrate as is defined in Claim 21, amended in this paper.

Applicants therefore respectfully submit that it would not have been obvious for the person skilled in the art, starting from Giron, to place the active system on face 3, but certainly not on face 2.

Further, the orientation that is defined in the claims provides advantages over and above that which is described by Giron. That is, with the active system specifically placed on face 2 (inner face) of the first substrate, the problems (delamination, defects on the face, see page 6, 1st ¶) of the earlier methods were resolved (see page 6, lines 23-24 of the specification). In addition, as the active layer is positioned on face 2 (of the first rigid substrate), before the polymer layer which yields a laminated device with the second substrate, less heat transfer inside the place where the glazing assembly is positioned, e.g., inside the car when the glazing is part of a sunroof (see Claim 17). This is because even with the solar protective layer, the active layer continues to absorb infrared wavelengths. The polymer layer positioned between the active layer and the second rigid lower substrate acts like a barrier against this heat. If the active layer is positioned on face 3 of the laminated glazing, i.e., the inner face of the lower substrate as described by Giron and after the thermoplastic layer, this improvement is not possible.

In addition to their showing that there is no *prima facie* case, Applicants have shown an unexpected improvement. The Examiner has put forth no reasoning that would support a conclusion that, *looking forward*, such an improvement would have been expected from the combination of Giron and Barth.

As Barth is relied upon primarily to teach the inclusion of a solar protective layer but does not in any way suggest the claimed orientation nor does Barth provide teachings to reverse the orientation of the layers of Giron, the combination of Barth and Giron cannot render the claims obvious.

Withdrawal of the rejection is requested.

To the obviousness rejection citing Giron and Barth combined with U.S. 6,284,360 to Johnson et al. Johnson is cited to allege that the features of claims 12-14 were known and thus when combined with the Giron (and Barth) assembly renders those claims obvious. However, as explained above, the arrangement where the active system on to the inner face (2) of substrate (S1) and then with the protective polymer layer (f1) is not obvious in view of Giron and/or Barth. Johnson neither describes nor suggests the arrangement defined by the claims. As a result, the combination of Giron, Barth, and Johnson does not teach or suggest of the limitations of the claims.

Withdrawal of the rejection is requested.

A Notice of Allowance is also requested.

Respectfully submitted,

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